

**REMARKS****RCE**

In response to the finality of the action, Applicant files a Request for Continuing Examination and appropriate fee to permit entry of the amendment and further consideration of the arguments and amendments.

**Drawings**

Applicant submits replacement drawings with this response. The drawings submitted are from the original PCT application and they do not introduce new matter. The term "loft" is the technical term for thickness and the term "loft" has been replaced with the word "thickness" in the claims. Thickness is inherent in the web shown and for this reason no changes have been introduced into the drawings. The submission of the drawings and cancelation of "loft" addresses in part the section 112 issues raised by the Examiner.

**IDS**

Applicant submits a supplemental IDS disclosing additional material from foreign prosecution of the application.

**Pending Claims**

Claims 1-5 and 7-25 are pending in the case with entry of this amendment.

**Discussion of the Examiner's rejections**

The Examiner regards Schmidt '525 as anticipating all of the claims. The Examiner also regards the claims as obvious in view of the Kaiser '161 reference. It is quite important to keep in mind the overall intent of a disclosure and have in mind the end product sought to be achieved by a process. In the present instance the mechanical properties of the final product inform the ranges and values taught by references and

one should not interpret a concentration in a final product as implying a concentration or process variable during manufacture. Recall that air laid webs and wet laid webs differ in many ways. Also consider that properties of products made by an air laid process reveal little about the process used to create them.

Perhaps the most important difference between the applicant invention as claimed and the applied art is the use of a diluted water-latex mixture containing 90 to 99% by weight of water and 10 to 1% by weight latex. The claim amendments specifying the water and latex contents of the water-latex mixture and the mass of latex bound are intended to distinguish the claims from applied art. It is quite important to keep in mind that teachings in references that refer to the final composition of a completed web bear no necessary relationship to the concentrations and process steps that give rise to the final web.

#### **Discussion of Examiner's Comments in the Advisory Action**

The Applicant takes the position that the disclosure of 6,893,525 simply does not disclose the specific water-latex mixture that forms an important limitation in the independent claims of his invention. This is in part because the limitation results in a web with surprising and unexpected properties, not shared with the reference.

The missing teachings from '525 cannot be supplied by the teachings from wet laid process patents and applications. This is true because the latex concentrations useful in wet laid webs are irrelevant to the dry laid art. For this reason the cited latex concentration teachings do not inform a man of ordinary skill that a particular range of concentration applied to an air laid web has any particular utility or function let alone that in combination with other variables results in a web with surprising characteristics. For this reason the amended claims are not obvious.

# **CONCLUSION**

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,

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